



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

**JAN 24 2017**

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Ken Mahadeo, Director of Maintenance and Optimization  
New York City Department of Education  
Division of School Facilities  
44-36 Vernon Boulevard – 5<sup>th</sup> Floor  
Long Island City, New York 11101

7015 0640 0001 0675 5692

Re: Extension of time to respond to request for information under Section 114 of the Clean Air Act (Reference Number CAA-02-2017-1451).

Dear Mr. Mahadeo:

This is in response to your letter of December 29, 2016 to the U.S. Environmental Protection Agency (EPA), Region 2, requesting an extension of time (Extension Request) to respond to the above-referenced request for information, dated November 9, 2016. In the Extension Request, you noted that the New York City Department of Education (NYCDOE) has submitted a partial response to the information request (i.e., energy assessments for 17 schools), but that NYCDOE is requesting a six-month extension of time in order to hire contractors to conduct energy assessments and boiler tune-ups at additional NYCDOE schools.

Please be aware that EPA's November 9, 2016 request for information required NYCDOE to provide the dates that certain activities (e.g., boiler tune-ups and energy assessments) occurred in NYCDOE schools that are subject to the area source boiler rule at 40 C.F.R. Part 63, Subpart JJJJJ, and to provide certain documents (boiler tune-up records and energy assessments) for 17 specific NYCDOE schools. The request for information did not require NYCDOE to wait until any further boiler tune-ups and energy assessments were completed at NYCDOE schools before submitting the information requested. If certain boiler tune-ups or energy assessments have not been completed at any boilers, NYCDOE should indicate this in its response.

In addition, the Extension Request was not timely submitted to EPA. NYCDOE's response to the information request was required to be submitted within thirty calendar days of receipt of EPA's November 9, 2016 letter. NYCDOE's Extension Request is dated December 29, 2016, which is considerably beyond the thirty calendar days set forth in the information request.

For the reasons stated above, EPA denies NYCDOE's request for a six-month extension of time for NYCDOE to respond to EPA's November 9, 2016 information request. NYCDOE must

provide all of the information requested by no later than **February 25, 2017**. As noted in EPA's November 9, 2016 letter, failure to submit the requested information is a violation of Section 114 of the Act, and may result in an order to comply, an order for administrative penalties, or a civil action for penalties and an injunction requiring compliance pursuant to EPA's enforcement authority at Section 113(a) of the Act.

If you have any questions about the above, please feel free to contact Raymond Slizys of the EPA Region 2 Air Compliance Branch regarding this matter at 212-637-4073.

Sincerely yours,



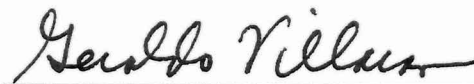
Kathleen Anderson, Acting Director  
Division of Enforcement and Compliance Assistance  
U.S. Environmental Protection Agency, Region 2

cc: Erik Neumann, PE  
EME Group Consulting Engineers  
159 West 25<sup>th</sup> Street  
New York, New York 10001

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY THAT ON **January 25, 2017**, I MAILED A TRUE COPY OF THE ATTACHED DOCUMENT BY **CERTIFIED MAIL-RETURN RECEIPT** REQUESTED, **ARTICLE NUMBERS 7015-0640-0001-0675-5692** POSTAGE PRE-PAID, UPON THE FOLLOWING PERSON(S):

**Ken Mahadeo, Director of Maintenance & Optimization  
New York City Department of Education  
Division of School Facilities  
44-36 Vernon Boulevard -5<sup>th</sup> Floor  
Long Island City, New York 11101**



---

**Geraldo Villaran**

